

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
WATERBURY, David L., et al. )  
 )  
Application No.: 10/043,659 ) Group Art Unit: 1617  
 )  
Filed: January 8, 2002 ) Examiner: Hui, San Ming R.  
 )  
For: USE OF ARYL NITRONES ) Confirmation: 5999  
 )  
COMPOUNDS IN METHODS FOR )  
TREATING NEUROPATHIC PAIN )

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**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56,  
Applicants hereby submit the following information in conformance with 37 C.F.R.  
§§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is  
enclosed.

**U.S. Patents**

1.	3,666,754	5/1970	Miami et al.
2.	3,834,073	9/1974	Dorschner et al.
3.	3,849,934	11/1974	Dorschner et al.
4.	3,903,049	9/1975	Saltman et al.
5.	3,917,700	11/1975	Auerbach
6.	4,362,719	12/1982	Cavazza
7.	5,292,746	3/1994	Carr et al.

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|-----|---|---------|-----------------|
| 8.  | 5,352,442   | 10/1994 | Proctor         |
| 9.  | 5,397,789   | 3/1995  | Carr et al.     |
| 10. | 5,455,272   | 10/1995 | Janzen et al.   |
| 11. | 5,532,252   | 7/1996  | Carr et al.     |
| 12. | 5,723,502   | 3/1998  | Proctor         |
| 13. | 6,046,232   | 4/2000  | Kelleher et al. |
| 14. | 6,433,008   | 8/2002  | Kelleher et al. |
| 15. | 6,441,032   | 8/2002  | Kelleher et al. |
| 16. | U.S. Serial No. 09/500,650 filed 2/9/2000 (our file 005699-379) pending |         |                 |

**Foreign Patents**

- |     |             |         |               |
|-----|-------------|---------|---------------|
| 17. | 0 327 263   | 9/1994  | Europe        |
| 18. | 2,137,619   | 10/1984 | Great Britain |
| 19. | WO 91/05552 | 5/1991  | WIPO          |
| 20. | WO 92/22290 | 12/1992 | WIPO          |
| 21. | WO 95/17876 | 7/1995  | WIPO          |
| 22. | WO 97/19054 | 5/1997  | WIPO          |
| 23. | WO 98/13332 | 4/1998  | WIPO          |
| 24. | WO 00/32567 | 6/2000  | WIPO          |

**Non-Patent Documents**

25. Besson, et al., "Graded Refractive Index Zprofiles and Loss Mechanisms in Photodelineated Electro-optic Polymers", *Nonlinear Optics*, Vol. 4, pp. 181-190 (1993).
26. Proctor, P., "Electron-Transfer Factors in Psychosis and Dyskinesia", *Physiol. Chem. & Physics*, Vol. 4, pp 349-360 (1974).
27. Proctor, P., et al., "Free Radicals and Disease in Man", *Physio. Chem. & Physics and Medical NMR*, Vol. 16, pp. 175- 195 (1984).

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28. Proctor, P., "Free Radicals and Human Disease", *CRC Handbook of Free Radicals and Antioxidants*, Vol. 1, pp. 209-221.
29. CA:87:99910 abstract of J. Endocrinol by Vaughan et al. 73(3) pp.40P(02) - 41P. (1977)
30. CA:102:5798, Liebigs Ann. Chem., Vol. 9, pp. 1545-1562 (1984) by Kliegel.
31. CA:107:115572 abstract of Huaxue Xuebao by Chem 44 (9) pp 927-933.
32. CA:109:149392 abstract of Synthesis by Kloc 12 pp 1084-1087.
33. CA:116:193591 abstract of J. Org. Chem. by Hinton 57(9) pp 2646-2651.
34. CA:122:160222 abstract of J. Chem. Soc., 1(23), p. 3353-3354 by Sivasobramanian
35. CA:122:31336 abstract of WO 94/22831 10/1994
36. CA:127:80093 abstract of Nippon Naibunpi Gakkai Zasshi by Zkonno 73(3) pp. 451-461 (1997).
37. CA:130:217477 abstract of Lupus by Dooley 7(9) pp. 630-634 (1998).
38. CA:130:280743 abstract of Eur. J. Immunol. by Scotet 29(3) pp 973-985
39. CA:130:291586 abstract of AU 695664 3/1996
40. CA: 130:89983 abstract of Ziekenuisfarmacie by De Jong van den Berg 14(4) pp 190-193.
41. Chem. abs Acension No. 1995:549812 abstract of J. Clin Endocrinol Metab 80(5) by Smith pp. 1502-1505 (1995).
42. Acession Number 1999-397013 abstract of Graefe's Arch. Clin. Exp. Ophthalmol. 237(6) pp 508-512.
43. STN Information Services (1999), Ref. No. XP-002090680

Pursuant to 37 C.F.R. § 1.98(a)(3), a concise explanation of the relevance of the non-English language document, WO 98/13332, is provided. WO 98/13332 relates to nitro derivatives and precursors thereof which are reported to be effective in treating neurodegenerative diseases. An English language translation of WO 98/13332 is enclosed for the convenience of the Examiner. Additionally, the particular relevance this document is further indicated on the enclosed International Search Reports.

A fee in the amount of \$180.00 is hereby enclosed.

While this Information Disclosure Statement may contain "material" information pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" to the invention disclosed and claimed in the above-referenced application unless specifically designated as such.

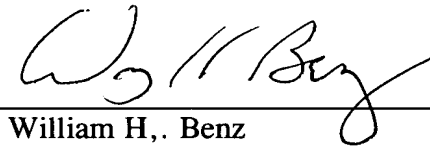
Applicants specifically reserve the right, where appropriate, to antedate any such reference by the appropriate showing under 37 C.F.R. § 1.131 and § 1.608, or any other appropriate means.

This Information Disclosure Statement is not a representation that a search has been made or that no other information material to the patentability of this invention exists.

To assist the Examiner, the listed documents are on the attached form PTO-1449.  
It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned.

Respectfully submitted,  
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By:



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